United Nations S/2006/119

Security Council

Distr.: General
22 February 2006

Original: English

Letter dated 20 February 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached sixth report from Estonia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-25259 (E) 020306

Annex

Letter dated 16 February 2006 from the Permanent Representative of Estonia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to refer to your letter dated 16 November 2005 and forward herewith Estonia's response to the issues raised in sections 1 and 2 of that letter (see enclosure).

(Signed) Uno **Intelmann**
Ambassador
Permanent Representative

Enclosure

1. Implementation of Security Council resolution 1373 (2001)
ESTONIA

1.1. Regarding the outline of the recently adopted legislation on money laundering:

- The Estonian legal system concerning combating money laundering and terrorist financing is based on the revised Money Laundering and Terrorist Financing Prevention Act (the Prevention Act), which came into force on 1 January 2004. The tasks and obligations of the financial institutions in denying safe heaven for persons who have given reasons for considering that they have acted to commit or committed terrorist acts are described in the domestic International Sanctions Act. The requirements of this act will be further developed either in the legislation or in Estonian Financial Supervision Authority Guidelines in 2006.

Respecting its international obligations, Estonia has fully implemented

- the Second Directive of the European Parliament and of the Council on the Prevention of the use of the financial system for the purpose of money laundering;
- the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime;
- the 2000 Convention against Trans-national Organized Crime;

To continue making domestic legal environment compatible with the provisions of international law, Estonia is planning to finalize in 2006-2007 the implementation of the following international acts to which Estonia is a Party:

- the Third Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing;
- the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism;
- the 2003 United Nations Convention against Corruption;
- the 2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.

The implementation of the Third Directive of the European Parliament and of the Council is the most demanding as its implementation requires making several amendments to Estonian laws and probably some new legal regulations have to be drafted.

- On the basis of the Money Laundering and Terrorist Financing Prevention Act in 20
has been issued a Decree by the Estonian Minister of Finance *"Requirements on the measur*
implemented by credit and financial institutions and on the internal procedures for control
application of the measures".

The Decree gives guidelines to the relevant institutions for the identification of client by m
documentation and publicly available information. Guidelines for establishing client pro
updating information in due course on client relationship, as well as maintaining the informati
the termination of the relationship between the client and the credit or financial institution
included into that decree.

The above-mentioned Decree has been applicable since 1 January 2006 and some subjects
supervision of the Financial Supervision have already reported of making corresponding amen
to their internal regulations.

In 2005 Financial Supervision Authority has in the due course of its activities continu
supervision of the compliance of the supervised subjects with the anti money-laundering legi
We stress that with regard to new entries to the Estonian market the internal AML-rules - amon
documents and data - of each such subject was evaluated.

To guarantee compliance with the regime of sanctions in Estonia, credit and financial institutio
to implement international financial sanctions that have been enforced either by the UN or
other international organization or by the Government of the Republic of Estonia on is own in
The credit and financial institutions are therefore liable for non-compliance with the obliga
implementation. Fulfilling its routine supervisory activities the Estonian Financial Security Au
controls the adequacy of the internal measures of the supervised entities for the implementatio
international sanctions. The non-compliance by a supervised institution is regarded as a c
offence in Estonia.

The practical problems relating to the application of the AML requirements for the ban
discussed in the special AML working-group convened by the Estonian Banking Association
The composition of EBA working-group makes it possible that the AML compliance offi
different Estonian credit institutions as well as the representatives from the national Fi
Intelligence Unit and Estonian Financial Supervision Authorities are closely working togeth
exchange relevant information without delay or communication problems.

The Money Laundering and Terrorist Financing Prevention Act provides that another institutio
national Financial Intelligence Unit (FIU) is a body which shall be permanently informed
different credit and financial institutions upon carrying out a transaction or transactions wi
indication of terrorist financing activities. To fulfil that task properly, the Financial Intelligenc
is also regularly communicating with banks and money remitters to guarantee fluent infor
sharing. In cooperation with the officers of the Security Police Board, the FIU is forwarding the
countries of concern to the credit institutions and money remitters requesting to focus their att
to the transactions to/from listed countries. To educate the staff of the private financial institut

2005 FIU has given a series of lectures to the private Banks personnel about terrorist financing with the purpose of raising their awareness.

To enhance the cooperation between different state institutions several amendments were adopted in 2005 to the Governmental decree *"The procedure for the registration and processing of information collected by the FIU"*. Accordingly the Director General of Security Police Board has to appoint a special contact person who, in cooperation with FIU, analyses the suspicious terrorism financing information notified by credit- and financial institutions or by other entrepreneurs.

- The amendments to the Money Laundering and Prevention Act (as enforced on January, 1, 2004) provide that the rules applicable to the credit and financial institutions also apply to the institutions and persons mentioned above, with regard to anti-money laundering and anti-terrorist financing issues: money exchange offices, money remitters and real estate businesses. The credit unions (savings and loan associations) are considered to be credit and financial institutions by the Act (art 4).

Accordingly the exchange offices, money remitters etc are under the supervision of the Estonian Financial Intelligence Unit. All Estonian legal entities – inter alia exchange offices, savings and loan associations - have to be entered into the Commercial Register and up-date their registered data regularly. All necessary data for identifying the entities is also electronically available. Exchange offices also have to apply for the entry into the second register – the Register of Economic Activities kept by the Ministry of Economic Affairs and Communications.

It could be pointed out here that the Money Laundering and Prevention Act applies also to the organizers of gambling or lotteries, persons trading in high-valued goods (like precious stones, precious metal, art), on condition that the sum received by them is
100 000 Estonian kroons (~6400 €) or higher. The same is applied to the Auditors, external accountants and tax advisors; notaries and advocates, whenever they provide legal assistance in specified cases; and other persons if payments received by them or made by them are at least 100 000 Estonian kroons in cash; or if they carry out a transaction amounting to 200 000 kroons whether the transaction is carried out in a single operation or in several operations which appear to be linked.

- In July 2005 the task to co-ordinate the Estonian policy in anti-money laundering and terrorist financing issues was transferred from the Ministry of Internal Affairs to the Ministry of Finance while the Finance Intelligence Unit has remained a structural part of the Central Criminal Police within the purview of the Ministry of Internal Affairs.

On the basis of the Money Laundering and Terrorist Financing Prevention Act a Decree by the Minister of Finance *"Requirements on the measures to be implemented by credit and financial institutions and on the internal procedures for controlling the application of the measures"* has been issued. The Decree gives guidelines on the identification of a client by using different documents and publicly available information to establish the client profile and up-date that information. The information should be maintained even if the relationship between the client and the credit or financial institution has been terminated.

In 2005 the Estonian Financial Supervision Authority (EFSA) has focused on the evaluation anti-money laundering and counter-terrorist financing measures applicable by the supervised participants. The internal measures of the supervised market participants have been reviewed course of on-site inspections to the financial institution as well as when processing the licences legal entities applying for the entry into the market.

1.2. According to the Section 237 of the Estonian Penal Code (terrorism), acts aimed at c damage to health, death or occupying, damaging or destroying property with the purpo instigating war or international conflict or with political or religious purpose are punishable.

At the present moment the recruiting of persons specifically for terrorist purposes or orga terrorism have not been criminalized. However, persons who have committed such acts may b responsible as abettors and accomplices according to the sections treating participation in crime general part of the Criminal Code. The responsibility of the abettor and accomplice to a crime a requires the responsibility of the perpetrator. Therefore the given regulation is not always sufficie July 2005, the Government of the Estonia approved *the Council of Europe Convention o Prevention of Terrorism*, which was open for signing on 16 May 2005.

Estonia signed the Convention in September 2005 and intends to ratify it in 2006. According Convention the member states, which have expressed their consent to be bound by it, ha criminalize instigation to terrorism, recruiting to terrorism and training for terrorism. Proceeding the Convention, a number of amendments to the legislation have to be put forward to the Parliam

The Ministry of Justice has prepared a draft amendment according to which the relevant articles Penal Code would be supplemented by an article that criminalizes public appeals to commit a te crime, preparing a terrorist crime, recruiting of a person and arranging training as well as fina and intentionally supporting terrorist crime. The amendments will be passed to the Parliament a adoption thereof is expected in 2006.

1.3. In the case of cyber-crimes enacted in the Penal Code, property is regarded as the legal damaged by them and cyber-crimes are not considered as a special kind of terrorist crimes. In ca recruiting of terrorists, inciting to terrorist crimes and organizing terrorist crimes takes place ov internet, the persons are responsible according to those articles of the Penal Code that fo responsibility for terrorist crimes.

1.4. The amendments to the Aviation Act referred to at the para.1.2.1 in the Estonia's fifth report passed by the Estonian Parliament on 5 May, 2005 and entered into force on 27 May 2005.

The amendments to the Maritime Safety Act referred to at the para. 1.2.2 in the fifth report passed by the Parliament on 12 May, 2005 and entered force on
2 June 2005.

1.5. Illegal handling of firearms and explosives and their illegal import and export is a criminally punishable activity in Estonia. The Law of Strategic Goods, the Law of Explosives and Law of Weapons and the different regulations enforced by these laws create an effective and fully satisfactory legal framework to prevent illegal handling of weapons and explosives. From the institutional side fighting against illegal weapons and explosives has been and will be a principal task of the Estonian Security Police Board. In co-operation with other security and law enforcement institutions, one has actively collected and analysed relevant information and illegal weapons and explosives have been confiscated from criminals. The number of weapons and the amount of explosives in illegal circulation has diminished from year to year. The fall in the number of explosives demonstrates the same trend. While there were altogether 81 explosions of explosives or payloads with criminal character in 1995 in Estonia, in 1999 35 and in 2004 7 such explosions took place.

2. Implementation of resolution 1624 (2005)

2.1. In Estonia, terrorism as a criminal offence is currently defined in Section 237 of the Penal Code. According to it, acts aimed at causing health damage, death or at unlawful seizure, damaging or destruction of property, committed with the intention to provoke war or an international conflict or for political or religious causes, are punishable. At the present moment incitement to commit a terrorist offence is not criminalized in the special part of the Penal Code. However, a person who has committed such act may be held responsible as an abettor according to the articles on participation in crime of the general part of the Penal Code.

The responsibility of the abettor always requires the responsibility of the perpetrator. Without perpetration complicity in a crime is not possible. Therefore the given regulation is not always sufficient. With its order No. 466 of 21 July 2005 the Government of the Estonia approved the Council of Europe Convention on the Prevention of Terrorism that was opened for signature on 16 May 2005. Article 5, paragraph 2 of the Convention states that "each Party shall adopt such measures as may be necessary to establish public provocation to commit a terrorist offence /.../ when committed unlawfully and intentionally, as a criminal offence under its domestic law". Estonia signed the Convention in September 2005. Estonia intends to ratify the Convention in 2006.

Proceeding from the Convention, a number of law amendments have to be put to the Parliament. One of them is the draft Amendment Act of the Penal Code, criminalizing as a principal offence, *inter alia*, incitement to commit a terrorist offence.

2.2. According to the Estonian law (Aliens Act), residence permit is neither issued nor extended to an alien about whom there is information or credible evidence to believe that he or she belongs to a terrorist group or has committed a terrorist act. In case that person has been issued a residence permit earlier, the residence and work permit of such a person shall be declared invalid.

According to the Obligation to Leave and Prohibition on Entry Act, prohibition on entry may be imposed on an alien if there is information or serious reason to believe that he or she is a member of a terrorist organization or has committed an act of terrorism.

Estonian Security Services collect information about convicted persons, incl. persons who incited to terrorism. A cooperation agreement has been signed between the Security Police Board the Border Guard Board, to facilitate the exchange of information concerning persons convicted terrorism, including persons who have incited to terrorism.

To those about whom there is information or serious reason to believe that they have been involved incitement in some other country, visa denial may be applied. Considering that Estonia has signed the Council of Europe Convention, on the basis of information from the Security Police the person will be included in the prohibition on entry register. However, neither Estonia nor European Union has a general list of persons who have been convicted in some other country incitement or whom there is serious reason to suspect in such activity.

2.3 By the end of 2007, Estonia has to be ready to accede to the EU Schengen Treaty that strengthen control on Estonia's borders as the external borders of the EU and remove control on internal border with EU countries. In order to make preparations for entering the Schengen visa a close cooperation is going on between Estonia and the other 24 EU member states and working groups in the following fields: creating the Schengen information system, enhanced strengthened control on Estonia's external borders, internal surveillance of foreigners, cross-border police cooperation, cooperation in visa policy and legal cooperation. Preparations for acceding Schengen Treaty also include cooperation with the EU in the application of biometrics, strengthening the security of documents, control of migration, preventing cross-border trafficking of drugs, weapons and ammunition.

For such cooperation Estonia receives Schengen Facility Aid of 68.7 million euros from the European Union in order to apply the acquis by the end of 2006. In 2006 the EU Schengen Treaty experts make special assessment visits to control the readiness of sea border, air border and mainland borders for conformity with the requirements of the EU. The application of all these measures also prevents persons connected with incitement or persons using fraudulent documents from crossing the border of Estonia as a member state of the EU. To enhance security, Estonia also uses the resources of Europol.

On the bilateral level Estonia has signed agreements on mutual legal assistance with countries mentioned below on fight against crime including fight against terrorism. These agreements contribute to preventing unwelcome persons, incl. terrorists from entering the country. Legal assistance agreements have been signed with the United States, Finland, Russia, the Federal Republic of Germany, Turkey, the United Kingdom of Great Britain and Northern Ireland, Slovenia, Latvia, Hungary and Austria.

On the regional level Estonia is involved in active co-operation with the border guards of neighboring states on both the operative and strategic levels. In order to guarantee more efficient security and control of borders, the national Board of Border Guard has signed co-operation agreements (co-operation protocols, declarations) with the Border Guard Board of the Republic of Finland, The State Border Guard of the Republic of Latvia, Coast Guard of the Kingdom of Sweden, Border Guard of the Republic of Poland, State Boarder Guard Committee of Ukraine and Georgian state border guard.

In addition a trilateral agreement on cooperation between the Board of Border Guard of the Republic of Estonia, the Republic of Finland and the Boarder Guard Service of the Federal Security Service of the Russian Federation on cooperation in issues concerning the security of borders in the region of the Gulf of Finland has been signed. All the cooperation agreements mentioned also contain provisions for cooperation to discover fraudulent travel documents.

2.4. Estonia is following the European Union's Counter-Terrorism Strategy, which has four pillars - prevent, protect, disrupt and respond. These pillars focus the member states on collective response to the international terrorist threat.

Working within the first pillar (Prevention) the EU member states drafted a special document in the second half of year 2005 - *EU Strategy against radicalization and recruitment*, which was passed by the Council of Europe in December 2005. Estonia contributed to the drafting process and Estonian representatives participated in all working-groups.

The Strategy against radicalization is aimed to counter radicalization and recruitment to terrorist groups such as Al Qaeda and the groups it inspires. To cope with that task the Strategy stresses the need to eliminate the structural factors supporting radicalization both within the EU and outside it and to promote inter-cultural dialogue, debate, and, where appropriate, long term integration. Outside Europe, the aims are promoting good governance, human rights, democracy, as well as education and economic prosperity through our political dialogue and assistance programs. The EU Strategy against radicalization creates a good framework for cooperating and coordinating national policies in the EU, for sharing information and applying good practice.

In the field of integration an action plan for governmental agencies and other institutions was elaborated in 1999 for the years 2000-2007. As for today, the State Integration Program is a cornerstone for the state integration policy, the aim of which is to create a multicultural society characterized by cultural pluralism, mutual respect among different ethnic groups, and equal opportunities for participation in societal life.

The State Integration Program is financed in international cooperation with governments of Finland, Sweden, Denmark, Norway, Canada, USA and UK. Also the United Nations Development Program (UNDP), the European Union, the Council of Europe, the British Council, the Open Estonian Foundation and others support various integration and language training programs in Estonia.

2.5. There have been no cases of (political, religious or other) terrorist acts in Estonia since regaining its independence in 1991. Nor have there been identified any terrorist organizations, cells or terrorists in the country.

No Christian or non-Christian religious radicalism or radical activities have been detected in Estonia. The moderate non-Christian religious communities are very small.

Estonia has been able to prevent and suppress any kind of extremist-oriented activity over the last 15 years. The only extremist group to remain to be mentioned here is a small group of skinheads and their activity is limited to occasional events.

According to the estimations of relevant Estonian services, the problem of incitement to terrorism and the inducement of educational, cultural and religious institutions to supporting terrorism are not probable in the near future. In case such indications occur, state authorities will follow in their activities the guidelines of *the EU Strategy against radicalization and recruitment* into terrorism.

2.6. Estonia has acceded to several international conventions regulating cooperation on criminal procedures. Estonia is also a Party to the Rome Statute of the International Criminal Court (ratified it on the 30th of January 2002). In addition Estonia has signed bilateral agreements on legal assistance in criminal matters. According to Section 433 of the Code of Criminal Procedure Estonia participates in international cooperation on criminal procedure. International cooperation comprises extradition of persons to foreign states, mutual assistance between states in criminal matters, execution of the judgments of foreign courts, taking over and transfer of criminal proceedings commenced, co-operation with the international criminal Court and extradition to member states of the European Union.

The same law clearly states that international cooperation in any criminal procedure can be effected pursuant to the provisions of domestic law „... unless otherwise prescribed by an international agreement of the Republic of Estonia or the generally recognized principles of international law". Accordingly it is prohibited for Estonia to cooperate legally with any other country on cases where such cooperation can result in the violation of the provisions of international human rights law, refugee law or humanitarian law.

The basis of restrictions to principal rights foreseen in certain laws (Security Authorities Act, Surveillance Act, Obligation to Leave and Prohibition on Entry Act), follow the provisions of the international humanitarian law, comply with human rights conventions and are proportional.

United Nations S/2006/120

Security Council

Distr.: General
22 February 2006

Original: English

Letter dated 20 February 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Singapore submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-25352 (E) 100306

Annex

Letter dated 15 February 2006 from the Permanent Representative of Singapore to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Please refer to your letter dated 16 November 2005, in which you requested further information from the Singapore Government on the questions and comments raised in sections 1 and 2 of the letter on the implementation of Security Council resolutions 1373 (2001) and 1645 (2005). In this regard, I am pleased to submit herewith Singapore's fifth report (see enclosure).

(*Signed*) Vanu Gopala **Menon**
Ambassador Extraordinary and Plenipotentiary

Enclosure

Singapore's response to the request by the Counter-Terrorism Committee for Singapore's fifth report

1. Implementation measures

Protection of the financial system

1.1 The Committee notes that Singapore has set up a financial intelligence unit (FIU), the Suspicious Transactions Reporting office, under the Commercial Affairs Department. The Committee would appreciate additional information on the structure of this Office, including the number of analysts, their background or expertise, the manner in which suspicious transaction reports *(STRs)* are disseminated, and the Office's independence, autonomy and ability fully to perform its functions. How is the confidentiality of STRs secured?

Singapore's response

The Suspicious Transaction Reporting Office (STRO) is a Branch of the Financial Investigation Division of Commercial Affairs Department, Singapore Police Force (CAD, SPF). The Financial Investigation Division is in charge of enforcing the Anti-Money Laundering/Counter Terrorism Financing (AML/CFT) regime in Singapore. STRO has more than 10 officers, most of whom are graduates in relevant fields.

STRO is divided into three teams. Two are Analysis teams while the third team is the External Liaison Team, which conducts outreach programmes to the financial sector to spread awareness of the AML/CFT regime and to encourage an increase in the quantity and quality of Suspicious Transaction Reports (STR). This team also negotiates MOUs with STRO's counterparts for the exchange of financial intelligence information for the purposes of combating money laundering and terrorism financing. STRO has to-date signed 7 MOUs with the FIUs of Australia, Belgium, Brazil, Canada, Greece, Japan, and USA.

As STRO is a Police unit, STRO officers are able to perform investigations into suspicious transactions. If the offence detected is not within the purview of the Commercial Affairs Department, or if another

agency already has an ongoing investigation against an STR suspect, then STRO will refer the matter to the relevant agency.

Since its formation in January 2000, STRO has successfully detected a myriad of criminal offences from the analysis of STRs, including several very high profile cases in Singapore. Thus far, a total of SGD80 million has been seized as proceeds of crime.

Confidentiality of STRs is secured under legislation by section 56 of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act [CDSA]. In addition, there are also internal controls within STRO to ensure confidentiality of the STRs received.

1.2 In that regard, the Committee would also like to know whether Singapore can impose administrative or criminal sanctions for failure to report suspicious transactions.

Singapore response

Under the Monetary Authority of Singapore (MAS) Notice 626, every bank is required to institute an internal procedure for dealing with and reporting suspicious transactions, and to ensure that its entire staff is made aware of their personal obligation to do so. In addition, all banks are required to implement internal policies, procedures and controls to mitigate the risks of money laundering and terrorist financing. Similar requirements exist in Notices issued to other parts of the financial sector supervised by the MAS such as the insurance and capital markets. Failure to comply with these requirements may result in administrative sanctions and/or penalties by the MAS.

In addition, section 39(2) of the CDSA also stipulates that the punishment for failing to report a suspicious transaction is a fine of up to $10,000.

1.3 The Committee notes that in Singapore, all remittance agents must be licensed by the Monetary Authority of Singapore (MAS).

- **Does Singapore recognize any alternative funds transfer systems, such as "Hawala", which it is difficult for the MAS to monitor? If so, how many such informal funds transfer agencies are believed to exist?**

Singapore's response

Under Singapore law, all persons who operate a remittance business (other than a bank, merchant bank or finance companies, who are already regulated by the MAS) must obtain a licence from MAS. The remittance industry is as a whole a regulated industry, and a person who operates a remittance business (by whatever name it may be called) without a licence commits an offence. Illegal remittance activities are referred to the relevant law enforcement agency for investigation and prosecution. So far, between 1999 and 2005, 32 unlicensed remittance agents have been prosecuted by our law enforcement authorities.

- **How many funds remittance and transfer services are registered and/or licensed in your country?**

Singapore's response

As at 30 September 2005, there were 99 remittance licensees.

- **What is the penalty for failing to register or to obtain a license?**

Singapore's response

Any person conducting remittance business without a valid licence is liable on conviction to a fine not exceeding S$50,000 or to imprisonment for a term not exceeding 2 years, or to both. Following recent amendments to the Money Changing & Remittance Businesses Act (MCRBA), the maximum fine was raised to S$100,000 with effect from 1 November 2005. To date, MAS has fined a number of remittance business licensees for breaching the MCRBA, for various offences such as failure to maintain complete records, or failure to maintain a customer's account for deposit of funds for remittance purpose.

Criminalization and criminal procedures

1.4 The Committee is aware that with respect to money laundering, Singapore appears to have stringent administrative control of its financial institutions. However, the Committee would be grateful for further clarification of the legislation which criminalizes money laundering, including the extent to which predicate offences are covered under this legislation.

Singapore's response

The main anti-money laundering legislation is the CDSA. Drug Trafficking and 184 other serious offences are predicate offences under the CDSA. A detailed listing of these offences is found at The First and Second Schedules of the Act.

1.5 With regard to the freezing of funds, prescribed by paragraph 1 (c) of resolution 1373(2001), the Committee would appreciate information (including reference to specific provisions of your legislation) on the way in which Singapore's authorities expeditiously seize or freeze suspicious *funds* in the course of criminal investigations. Does Singapore have a separate authority or agency responsible for seizing and confiscating terrorism-related assets? If so, the Committee would appreciate an outline of the functions of this authority or agency.

Singapore's response

The "freezing" of criminal assets is provided for under section 16 of the CDSA. The High Court may issue a restraint order, on an ex-parte basis, to prohibit any person from dealing with the property. Terrorist assets may also be seized, frozen or confiscated under sections 11 & 12 of the Terrorism (Suppression of Financing) Act.

In terms of law enforcement, the Financial Investigation Division of the CAD, SPF, is responsible for anti-money laundering and countering financing of terrorism matters. FID has three units, the Financial Investigation Branch (FIB), the Proceeds of Crime Unit (PCU) and STRO. FIB is responsible for money laundering and terrorism financing investigations. For terrorism financing, FIB, together with the department responsible for terrorism investigation, the Internal Security Department

(ISD) of the Ministry of Home Affairs, investigates and analyses financial transactions to uncover connections to terrorists or terrorists' properties.

1.6 The Committee welcomes the information that Singapore has become a party to the International Convention for the Suppression of the Financing of Terrorism. Pursuant to article 5 of the Convention, states should take measures to ensure that legal entities can be held liable when a person responsible for their management or control has, in that capacity, committed an offence set forth in article 2 of the Convention, The Committee would appreciate further information on Singapore's implementation of that provision.

Singapore's response

Under section 2(1) of Interpretation Act, "person" is defined to also include company or association or body of persons, whether corporate or unincorporate. As such, any company which commits an offence under Terrorism Suppression of Financing Act (TSOFA) can be charged under the Act.

Furthermore, section 35 of our Terrorism (Suppression of Financing) Act (Cap. 523) is also intended to implement Article 5 of the Convention. Accordingly, Section 35 reads:

"Offences by body corporate

35. Where an offence under this Act has been committed by a company, firm, society or other body of persons, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in any such capacity, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that —

(a) the offence was committed without his consent or connivance; and

(b) he had exercised all such due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances."

1.7 Does Singapore have a witness protection programme? If so, please provide details.

Singapore's response

Singapore does not have a witness protection programme.

Criminal investigation

1.8 Does Singapore have special investigative teams for terrorism-related offences? The Committee would be also grateful to know, without compromising any sensitive information, what kind of special investigation techniques, such as interception of communications on the Internet and other communication facilities, are used in conducting undercover operations, tracking the funds of criminal groups and breaking the chain of communication in terrorist groups.

Singapore's response

The Singapore Police Force and the Internal Security Department are responsible for investigation of terrorism-related offences.

International cooperation in criminal matters

1.9 Paragraph 1 (e) of resolution 1373 (2001) provides that all States shall ensure that any person who participates in terrorist acts is brought to justice. The Committee has already received a general outline of Singapore's mechanisms for extradition and mutual legal assistance. However, it would like to know how many extradition treaties and memorandums of understanding concerning mutual legal assistance Singapore has signed, and with which countries.

Singapore's response

Singapore has extradition treaties in force with the United States, Germany and Hong Kong. Singapore also has extradition arrangements in force with 40 Commonwealth countries and territories pursuant to the London Scheme for Extradition within the Commonwealth.

Singapore has mutual legal assistance treaties in force with Hong Kong, India, Malaysia and Vietnam. Singapore was the first country to ratify (in 2005) the regional mutual legal assistance treaty which has been signed by 10 South-East Asian countries. To date, Singapore, Malaysia and Vietnam have ratified the regional treaty.

In January 2006, the Minister for Law tabled before the Singapore Parliament an Amendment Bill to the Mutual Assistance in Criminal Matters Act (MACMA), that will allow the Singapore authorities to provide, on a case by case basis, coercive forms of mutual legal assistance to a requesting country which does not have a mutual legal assistance treaty in force with Singapore, if that country provides an undertaking that it will comply with a future request by Singapore for similar assistance involving a similar offence. Once the Bill has been passed by Parliament and brought into force, Singapore will be able to provide mutual legal assistance to requesting States for terrorism related offences, in accordance with the provisions of MACMA, even in the absence of a treaty.

1.10 The Committee would also like to know how Singapore would deal with a request for the extradition of a national of a State with which it had no extradition treaty who had committed terrorist acts abroad.

Singapore's response

If the requesting country is one of the 40 Commonwealth countries or territories with whom extradition arrangements exist under the London Scheme, Singapore will be able to extradite the fugitive to the requesting country for a terrorism related offence in the absence of a treaty.

If the requesting country is not a Commonwealth country and there is no extradition treaty in force with the requesting country, Singapore will nonetheless be able to extradite the fugitive to the requesting country, in the absence of an extradition treaty, if the country is a party to the following international anti-terrorism Conventions and the offence in question is a Convention offence:

a The Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December 1970,

b. *The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September 1971.*

c. *The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation signed at Montreal on 24th February 1988.*

d. *The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation done in Rome on 10th March 1988.*

e. *The International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations on 9th December 1999.*

1.11 The Committee notes Singapore's expeditious adoption of two major measures: the United Nations Act and the United Nations Regulations, with a view to the effective implementation of resolution 1373 (2001). However, in light of the provisions of paragraph 3 (d) of the resolution, the Committee would be grateful to know whether Singapore plans to ratify the five international counter-terrorism conventions and protocols to which it is not yet a party and whether assistance is needed in that regard.

Singapore's response

Singapore is committed to become a Party to the remaining counter-terrorism conventions and protocols. The relevant domestic agencies are working on the process of enacting appropriate implementing legislation and procedures to give effect to the referred international anti-terrorism conventions and protocols in our domestic law, so that Singapore can effectively implement the conventions and protocols once we become a party to them. Singapore appreciates the offer of assistance to enable us to become party to the remaining international conventions and protocols relating to terrorism. Singapore will avail itself of such assistance as and when it is deemed necessary.

Border and immigration control

1.12 The Committee would appreciate information on measures to prevent and detect the forgery of travel documents.

Singapore's response

Singapore conducts stringent checks at the land, air and sea borders to detect and prevent entry of persons holding forged travel documents. Singapore has developed an integrated traveller screening system with capabilities to detect irregularities in travel documents presented for clearance by travellers. Officers who have undergone training in passport forgery detection and document verification machines are deployed to aid other officers to scrutinise and detect tampered travel documents.

1.13 In relation to border and immigration controls, is there a method for communicating lookouts for wanted or suspected terrorists to immigration authorities at various points of entry? Does this method include International Criminal Police Organization (Interpol) information on Red Notices (for arrest) and Blue Notices (for location)? If so, how is this done?

Singapore's response

The current traveller screening system at the various points of entry has the capability for officers to perform on-line screening of travellers against the database of undesirable persons. Information received on UNSCR targets is listed at the immigration checkpoints to enable detection. In addition, Singapore also works closely with regional enforcement agencies on information and intelligence sharing and development for effective border control. Where regards information provided by the Interpol, Interpol Singapore transmits information on Red and Blue Notices to the relevant enforcement agencies for their action.

1.14 **Has Singapore introduced an Advance Passenger Information System (APIS), under which airlines provide information on their passengers and crew prior to arrival of the aircraft in Singapore so that it can be checked automatically against blacklists in the possession of the relevant government authorities?**

Singapore's response

Singapore has not introduced an API system and is conducting a feasibility study.

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1 **What measures does Singapore have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?**

Singapore's response

The relevant Singapore agencies are still studying the issue and the requisite legislation.

2.2 **What measures does Singapore take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?**

Singapore's response

Singapore maintains a blacklist of the names and particulars of terrorist suspects compiled through, inter alia, our investigation findings, intelligence exchanges with foreign counterparts and UN listings. The data of in-bound visitors are checked against this blacklist at the checkpoints and those who have a match against the blacklist are dealt with accordingly. Singapore also imposes immigration requirements that necessitate the application for immigration facilities such as for a Professional Visit Pass to enter Singapore.

Paragraph 2

2.3 **How does Singapore cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?**

Singapore's response

Singapore actively shares intelligence with many countries on terrorism issues. This includes information on terrorist identities, movement and travel documents, so that terrorists are denied entry to as many countries as possible. Singapore has also developed and deployed a high-speed scanning system that helps to detect fraudulent passports at the checkpoints.

At the same time, Singapore will soon be implementing the biometric passport which will help to reduce incidents of fraudulent passport usage. Singapore's Biometric Passport, or the Biopass in short, will be ICAO compliant and incorporate facial and fingerprint information as biometric identifiers. We have also been actively promoting the use of biometric passports in Asia and Europe, so that there will be a common system that will tighten security and border surveillance among the various countries. We believe that biometric passports will enhance detection and interdiction of terrorists and suspects immeasurably.

Paragraph 3

2.4 **What international efforts is Singapore participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?**

Singapore's response

Singapore actively participates in various regional and international initiatives aimed at fostering greater understanding and cooperation between and among religions and cultures. For example, Singapore participated in the ***United Nations' Dialogue Among Civilisations*** *initiative, which*

celebrates diversity and introduces a new paradigm of international relations by promoting dialogue among the major world religions and cultures. Singapore also participated in the ***East-West Dialogue****, which was formed to promote dialogue between civilisations and to foster discussion and analysis of the role of interchange between the civilisations of the East and the West. Singapore had also participated in the* ***ASEM Inter-Faith Dialogue*** *initiative, which was held in Bali in July 2005. The purpose of this Dialogue is to foster mutual understanding and respect among the different faiths and religions in Asia and Europe. Through this Dialogue, it is hoped that recommendations can be made to actualise inter-faith harmony within the international community.*

Regionally, Singapore participates in the ***Association of Religious Ministers of Brunei Darussalam, Indonesia, Malaysia, and Singapore (MABIMS)****, which provides a ready platform for the Religious Affairs Ministers of these countries to meet and exchange views on religious affairs. The idea of a regional meeting was first mooted in 1989 in Jeddah, Saudi Arabia. To date, MABIMS have met 11 times. The latest 11th MABIMS meeting, which was themed "Building a Progressive Muslim Community", was hosted in Singapore in 2004 by the Islamic Religious Council of Singapore. This theme was adopted to showcase the model of progressive Islamic living which is in practice and alive in the region, and to counter the perception that Islam is a religion which is static and rigid. One of the ideas endorsed at this meeting was for a MABIMS Religious Directory to be established where member countries will share information on their religious resources. The objective of the directory is to allow the various member countries to tap on the expertise of varied sources to further the discourse of Islam as a religion that promotes inclusiveness, rationality and progress.*

The ***Asia-Middle East Dialogue (AMED)*** *was conceptualised as a platform for engagement and collaboration between Asia and the Middle East. AMED offers a platform for interfaith and intercivilisational dialogues and connects the voices of moderation across both regions. Singapore hosted the inaugural AMED from 20-22 June 2005, and the dialogue process continues with several intersessional activities. Singapore and Jordan jointly co-convened the AMED Working Group on Social, Educational, Scientific, Cultural, Environmental and Media (SESCEM) Issues from 27-29 November 2005 in Singapore to discuss various modalities for interfaith and intercivilisational dialogues. Singapore will be participating in the Working Group meeting on Political and Security Issues to be held from 28 February to 1 March 2006 in Kuala Lumpur which will examine political and security*

developments in Asia and the Middle East as well as strengthening cooperation between the regional blocs against global terrorism.

2.5 What steps is Singapore taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Singapore's response

The Singapore Government has launched several community-based initiatives in recent years to prevent the subversion of educational, cultural and religious institutions by terrorists and their supporters. The measures adopted in this regard include the following:

- *In 2002,* ***Inter-Racial Confidence Circles (IRCCs)*** *and* ***Harmony Circles*** *(HCs) were established. The broad objectives of the IRCCs and HCs are to promote better inter-racial and inter-religious understanding among the different communities both at the constituency level, as well as in schools, workplaces and other local organisations respectively. The IRCCs provide a regular platform for leaders of the various racial and religious communities to interact and get to know one another better. This builds confidence, friendship and trust among them. A National Steering Committee on IRCCs provides broad guidance for IRCCs to deepen inter-racial and inter-religious rapport within the community. The IRCCs facilitate the formation of HCs, which serve to spread the inter-racial and inter-religious confidence-building efforts more extensively at the ground level. While the IRCCs serve as the harmony architects by developing strategies and initiatives, the HCs serve as the harmony builders by organising activities.*

- *Singapore adopted the* ***Declaration of Religious Harmony*** *in June 2003 to affirm the values that have helped to maintain religious harmony in Singapore, and to serve as a reminder of the need for continued efforts to develop stronger bonds across faiths. Representatives of the main religious groups in Singapore who participated in the consultation exercise prior to the adoption of the Declaration subsequently found it useful to maintain a network to continue promoting the Declaration. As a result, the* ***Inter-Religious***

Harmony Circle (IRHC) *was established to act as a consultation forum to guide efforts to promote the spirit of the Declaration.*

- *The grassroots* ***People's Association*** *(PA) also supports and promotes interaction between individuals from different ethnic communities through activities organised by the Community Development Councils (CDCs), community clubs, and residents' committees, in which local residents from all ethnic backgrounds participate.*

Paragraph 4

2.6 What is Singapore doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

Singapore's response

Singapore has always ensured that all the measures that are implemented are in accordance with our domestic laws and international agreements that we are party to.

3. Assistance and guidance

3.1 The Committee wishes to emphasize once more the importance that it attaches to the provision of assistance and advice in connection with the implementation of the resolutions.

3.2 The Committee's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. The Committee would appreciate receiving information from Singapore concerning areas where it might be in a position to provide assistance to other States in relation to the implementation of the resolutions.

Singapore's response

Singapore recognises that no single country can to counter the threat of terrorism successfully on its own. Instead, all countries should pool their resources and expertise together in efforts to fight this common threat. Singapore will try its best respond to requests for assistance.

3.3 **The Committee wishes to maintain and develop the constructive dialogue that is already established with Singapore in relation to this priority area. If Singapore feels that it could benefit from discussing aspects of the implementation of the resolution with the Committee's experts, it is welcome to contact them as mentioned in paragraph 4.1 below.**

4. **Further guidance and submission of further report**

4.1 **The Committee and its Executive Director stand ready to provide further clarification to Singapore on any of the matters raised in this letter. The Executive director can be contacted through Ms. Elena Rigacci Hay (telephone: +1 212 457 1733; fax: +1 212 457 4041; e-mail: cted@un.org). In addition, the Committee, through its Executive Directorate, may contact Singapore's competent authorities to discuss any further matters related to the implementation of the resolution.**

4.2 **The Committee would be grateful to receive from Singapore further information on the questions and comments raised in Section 1 and 2 of this letter on 'implementation measures' by 16 February 2005. As with previous reports, it is the intention of the Committee to circulate the further report as a document of the Security Council. It is open to Singapore, if desired, to submit a confidential annex to the report for the attention of the Committee members only.**

4.3 **The Committee may, in a future stage of its work, have further comments or questions for Singapore arising from other aspects of the resolution, It would be grateful to be kept informed of all relevant developments regarding the implementation of the resolution by Singapore.**

United Nations S/2006/121

Security Council

Distr.: General
22 February 2006

Original: English

Letter dated 20 February 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Viet Nam submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-25346 (E) 080306

Annex

Note verbale dated 16 February 2006 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) and with reference to the letter of the Chairman dated 29 July 2005, has the honour to transmit to the Committee the fifth report of the Socialist Republic of Viet Nam on the implementation of resolution 1373 (2001) (see enclosure).

Enclosure*

Socialist Republic of Viet Nam

Fifth report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

Vietnam's response to the questions of the Counter-terrorism Committee of the United Nations Security Council contained in the letter No. S/AC.40/2005/MS/OC.503 dated 29/7/2005 regarding the implementation of the Security Council's Resolution 1373 (2001) appears as follows:

1. IMPLEMENTATION MEASURES:

Regarding the questions of the CTC at paragraphs 1.1 and 1.2 (on the criminalization of terrorist acts and acts of terrorist financing):

The previous reports of Viet Nam to CTC under Paragraph 6 of Resolution 1373 (2001), as well as the Report submitted to the Committee established under Resolution 1267 (1999) of the United Nations Security Council pursuant to paragraphs 6 and 12 of Resolution 1455 (2003), presented the comprehensive legal system of Viet Nam on the prevention from and suppression of terrorism. Although Viet Nam has not yet enacted separate legal instrument, wholly dealing with terrorism, outstanding provisions in various relevant legal instruments (such as on criminal matters, criminal proceedings, administration...) have helped to establish a relatively sufficient and effective legal framework for preventing and suppressing terrorism as well as for regional and international cooperation in this field.

Viet Nam has not yet enacted specific legal documents on criminalization of the financing of terrorism and other forms of terrorist support. However, according to Article 84 of the Penal Code of Viet Nam, terrorism is a crime. Therefore, any form of terrorist support shall be deemed as complicity according to Article 20 of this Code[1].

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* Attachments are on file with the Secretariat and are available for consultation.

[1] ***Article 20 - Complicity***

1. Complicity is where two or more persons intentionally commit a crime.
2. The organizers, executors, instigators and helpers are all accomplices.
The executors are those who actually carry out the crimes.
The organizers are those who mastermind, lead and direct the execution of crimes.
The instigators are those who incite, induce and encourage other persons to commit crimes.
The helpers are those who create spiritual or material conditions for the commission of crimes.
3. The organized commission of a crime is a form of complicity with close collusion among persons who jointly commit the crime.

In the financial and monetary fields, Viet Nam has not yet enacted specific legal documents on the prevention from and suppression of the financing of terrorism. However, in 2005, Viet Nam has promulgated some legal documents relating to these fields, namely:

- Decree No. 74/2005/ND-CP of June 7, 2005 on prevention and combat of money laundering[2];
- Decree No. 131/2005/ND-CP of October 18, 2005 amending and supplementing a number of articles of the Government's Decree No. 63/1998/ND-CP of August 17, 1998, on foreign exchange management;
- Decree No. 133/2005/ND-CP of October 31, 2005 amending and supplementing a number of articles of the Government's Decree No. 105/2004/ND-CP of March 30, 2004 on independent audit;
- Decree 69/2005/ND-CP of the Government on amendment of and supplement to a number of articles of the Decree 48/2001/ND-CP dated 13/8/2001 of the Government on organization and operation of People's Credit Funds.

Viet Nam is step by step perfecting its legal system in the financial and monetary fields, including provisions for the prevention and suppression of the financing of terrorism. The promulgation of Decree No. 74/2005/ND-CP is a significant effort of Viet Nam. Although Viet Nam has not established a Financial Intelligence Unit (FIU), this Decree provided for the establishment of the Anti-Money Laundering Information Center (AMLIC) under the State Bank of Viet Nam. Up to now, the Director of the AMLIC has been appointed. The functions, specific tasks, powers, organizational structure and working regime of the AMLIC shall be soon stipulated by the Vietnam State Bank Governor.

This Decree provides for mechanisms and measures to prevent and combat money laundering in monetary or other property transactions in Vietnam; responsibilities of individuals, agencies and organizations for preventing and combating money laundering; and international cooperation in the prevention and combat of money laundering.

Under this Decree, in the process of preventing and combating money laundering, one of the following provisional measures may be applied:

a) Not to effect transactions;

b) To block accounts;

c) To seal up or seize property;

[2] Full text of the Decree appears as Annex 1.

d) To seize violators;

e) Other preventive measures provided for by law.

Also, this Decree provides for concrete measures to identify clients (Article 8), value levels of transactions subject to reporting (Article 9) and signs to recognize suspicious transactions (Article 10). According to paragraph 1 of Article 10, transactions shall be deemed suspicious when showing one of the following signs:

a) The parties involved in transactions supply inaccurate, incomplete and inconsistent information or persuade service-providing individuals or organizations not to report transactions to competent state agencies according to the provisions of law;

b) Transactions conducted under orders or authorization of individuals or organizations related to criminal activities on the warning list made by the Ministry of Public Security in order to prevent and combat money laundering and combat the use of money or property to facilitate or finance criminal activities inside or outside the Vietnamese territory;

c) Transactions with their involved parties being detected, through identification information or scrutinizing their economic and legal grounds, to have relationships with criminal activity or with individuals or organizations stated at Point b, Clause 1 of this Article;

d) Individuals and organizations enter into transactions with large amounts of money incommensurate with or not related to their routine activities or any lawful activities;

e) There are sudden changes in transaction turnovers on accounts; money deposited in and withdrawn quickly from accounts; transaction turnover is big in the day but the account balance is negligible or zero;

f) Transactions of transferring small amounts of money from different accounts into a large amount of money or through different accounts to a single account within a short period or vice versa; money crookedly transmitted through many accounts; the involved parties do not care about transaction charges;

g) Letters of credit and other commercial financing instruments of high value and at high discounts are used to transfer money between countries while these transactions are not related to routine activities of clients;

h) Legal persons fail to conduct transactions for a long time on their accounts as from the time of opening of such accounts; domestic enterprises open and use overseas accounts under the names of foreign legal persons or entities;

i) Large amounts of money are transmitted from enterprises' foreign-currency accounts to abroad after many small amounts of money are remitted into such accounts by means of electronic transfers, checks or drafts;

j) Foreign enterprises transmit money abroad immediately after receiving investment capital or make payments to abroad not suitable to the nature or demands of their business;

k) Insurance companies regularly pay indemnities or insurance sums in large amounts of money to the same client;

l) Securities organizations transmit money not in compatibility with their securities trading activities;

m) Any other transactions which financial institutions deem abnormal or having unreliable legal grounds.

Also under this Decree (Article 6), preventing and combating money laundering fall within the responsibility of all individuals and organizations, namely:

1. Financial institutions responsible for taking measures to prevent and combat money laundering under the provisions of this Decree include:

a) Institutions established and operating under the provisions of the Law on Credit Institutions;

b) Organizations engaged in monetary brokerage, investment or providing payment services in the Vietnamese territory;

c) Organizations issuing, listing, transacting, trading in, putting into custody or making clearing payment of, securities;

d) Registered foreign-currency, gold, silver or gem business organizations;

e) Insurance, insurance brokering companies, and organizations conducting activities related to pension, welfare, economic or social programs;

f) Vietnam-based organizations operating on behalf of or representing foreign financial institutions.

2. Other individuals and organizations responsible for preventing and combating money laundering under the provisions of this Decree include:

a) Lawyers, legal counseling firms, lawyers' offices, law partnerships when they conduct monetary or other property transactions on behalf of their clients;

b) Organizations dealing in luck games, casinos or lotteries; business organizations offering big sale promotion prizes to customers;

c) Registered real estate business service companies;

d) Individuals licensed to operate or do business like any of financial institutions stated in Clause 1 of this Article.

As mentioned above, the AMLIC is responsible to collect information about illegal transactions or transactions relating to illegal sources. The financial institutions are responsible to report on suspicious transactions (including transactions of foreign currencies). Besides, institutions outside the banking system, such as lawyers, legal counseling firms,

lawyers' offices, law partnerships, when conducting monetary or other property transactions on behalf of their clients, are responsible to report suspicious transactions.

The Decree 74/2005/ND-CP also stipulates functions and responsibility of relevant ministries and agencies in preventing and combating money laundering. Accordingly, the State Bank of Viet Nam assumes the prime responsibility for State management in this field and regularly reports to the Government; the Ministry of Public Security assumes the prime responsibility for the prevention from, combat and investigation of crimes relating to money laundering... Other relevant ministries are responsible for cooperation with the State Bank of Viet Nam and the Ministry of Public Security in the implementation of the Decree.

The main provisions of Vietnamese law for ensuring the legality of financial transactions were presented in the First and Second Supplementary Reports of Viet Nam to CTC. Regarding to the management of legally formed funds (e.g. the social funds, the charity funds, the people's credit funds...); Viet Nam updates the CTC on following information:

All the funds shall be formed, organized and operating in conformity with provisions of law[3]. The funds are to obey the regulation for financial and monetary management and have to regularly report to the competent authority.

According to Decree No. 177/1999/ND-CP of December 22, 1999 promulgating the regulation on the organization and operation of social funds and charity funds:

> *"The funds shall have to comply with the provisions of this Regulation and other law provisions on the establishment, operation, financial management, consolidation, division, splitting and dissolution of funds. They shall also have to make public all their revenues and expenditure according to the law provisions on financial publicity."* (Paragraph 3 of Article 4)
>
> *"To effect the publicity on the fund's revenues and use thereof, to supply necessary information to the State's functional agencies when so requested as prescribed by law;*
>
> *To be subject to the inspection and examination by the State agencies as prescribed by law;"* (paragraph 5, paragraph of Article 8).
>
> *"Social funds and charity funds shall be subject to the State financial management by the finance agencies of the levels competent to permit their establishment.*
>
> *The funds shall also be subject to the State professional management of their operations by the specialized management agencies."* (Article 16).

Also under this Decree, the social funds and charity funds may be stopped or suspended when violating law. According to Article 20:

[3] Decree No. 48/2001/ND-CP of August 13, 2001 on organization and operation of People's Credit Funds; Decree No. 177/1999/ND-CP of December 22, 1999 promulgating the regulation on organization and operation of the social funds and charity funds.

"1. A fund shall be stopped from operation when it has seriously violated laws or infringe upon the State's and/or people's interests.

2. A fund shall be suspended from operation when:

a) Operating for the wrong purposes and not in accordance with its principles and Charte already ratified by the State's competent agency;

b) Violating the financial management regulations of the fund and the State;

c) Organizing the fund management and administration in contravention of the current la provisions;

d) Using the purposed financial supports of organizations and individuals wrongly in systematic or serious manner."

Decree No. 48/2001/ND-CP of August 13, 2001 on the organization and operation o People's Credit Funds and Decree No. 69/2005/ND-CP of May 26, 2005 amending an supplementing a number of articles of the Government's Decree No. 48/2001/ND-CP provid that the people's credit funds have to "conduct their business in conformity with the issue License; comply with State's regulations on monetary, credit and banking system" (paragrap 1 of Article 8) and have to fulfill obligations on inspection and report such as:

Article 56. Report

1. The People's credit funds have to regularly make financial reports as provided by law on accountancy, statistics and regularly make reports on professional operations as stipulated b the Governor of the State Bank of Viet Nam.

2. Beside the regular reports, the People's credit funds are responsible for reporting to th State Bank of Viet Nam in following cases:

a) The overdue debt excesses the regulated rate and tends to increase;

b) A member draws his equity with the amount of more than 30% of the Charter capital o when this withdrawal makes the Charter capital of the fund lower than the authorized capital;

c) Customers draw more than 30% of their balance on bank deposit or the fund is at risk o insolvency;

d) Abnormal changes in organization and operation of the fund which seriously effect th operation of the fund.

...

Article 58. Banking Inspection

The People's credit funds shall be subject to the banking inspection in accordance wit provisions under Section I, Chapter IX of the Law on the credit funds and other law provisions.

Article 59. Audit

The audit of the People's credit funds shall be carried out in accordance with regulations stipulated by the State Bank of Viet Nam.

Article 60. Special control

The special control of the People's credit funds shall be conducted in accordance with provisions under Section 1, Chapter V of the Law on credit funds and regulations stipulated by the State Bank of Viet Nam.

The People's credit funds may be dissolved according to the decision of State competent authority or when their Licenses of Establishment and Operation are withdrawn by the State Bank of Viet Nam (paragraph 3 of Article 62 of this Decree).

Regarding the questions of the CTC at paragraphs 1.3 and 1.4 (on the criminalization of terrorist acts against other States):

Under present provisions of Vietnamese law, terrorist acts or support to terrorist acts against other States shall be punished if these acts are conducted with an aim to cause difficulties to the international relations of the Socialist Republic of Vietnam. The guideline and policy of Viet Nam is to strongly condemn and fight against any terrorist act. Based on this policy, Viet Nam shall elaborate, amend, and supplement legal provisions corresponding to the interests and practical situation of Viet Nam.

Regarding the questions of the CTC at paragraphs from 1.5 to 1.7 (on Vietnamese law on money laundering):

Please refer to Viet Nam's answer to paragraph 1.2. above. The full text of the Decree No. 74/2005/ND-CP of June 7, 2005 on Prevention and Combat of Money Laundering appears as Annex ! of this Report.

Regarding the questions of the CTC at paragraph 1.8 (on report of financial transactions):

According to Decree No. 74/2005/ND-CP of June 7, 2005 on Prevention and Combat of Money Laundering, the financial institutions are responsible for reporting on suspicious transactions. Besides, other institutions outside the banking system, such as lawyers, legal counseling firms, lawyers' offices, law partnerships, when conducting monetary or other property transactions on behalf of their clients, are responsible to report suspicious transactions. The suspicious transactions shall be reported to the AMLIC which is under the State Bank of Viet Nam. According to Article 12 of this Decree:

1. Individuals and organizations stated in Article 6 of this Decree must report transactions specified in Articles 9 and 10 of this Decree to the anti-money laundering information center or competent state agencies, specifically as follows:

a) Form of reporting: in writing, by electronic means or any lawful mode; in case of necessity, prompt reporting via telephone is acceptable but confirmation by one of the above-said modes is required thereafter; persons who make or sign such reports must be the very individuals who have effected the transactions or responsible officials or competent persons of the organizations or agencies required to report;

b) The contents of a report include: client identification information provided for in Clause 3, Article 8 of this Decree; time and time limit for effecting the transaction or issuing a transaction order; parties involved in the transaction; papers and documents used by the involved parties in the transaction; preventive measures already taken;

c) Reporting time: Within 48 hours as from the time when transactions defined in Article 9 arise or from the time when transactions defined in Article 10 of this Decree are detected or within 24 hours if traces of relationship between the requested transactions and criminal activity are detected. The Vietnam State Bank Governor shall stipulate the reporting time for each specific type of transaction.

2. Individuals, agencies and organizations stated in Article 6 of this Decree are not allowed to notify the parties involved in transactions of the reporting and reporting contents or supplied information.

Upon receiving information or reports on suspicious transactions as mentioned above, the AMLIC shall analyze the information or reports, compare the information and reports with statistical data and information available at the Center in order to issue warnings or make recommendations to financial institutions and competent authorities. When having grounds to determine that the transactions mentioned in the information or reports are possibly related to criminal activity, the AMLIC shall immediately notify the competent investigating agencies thereof and closely collaborate with them in the process of verifying the details of the cases.

Besides, regarding to the inspection and supervision of financial and monetary operations of organizations, the Vietnamese Government has enacted Decree No. 105/2004/ND-CP of March 30, 2004 on Independent Audit and Decree No.133/2005/ND-CP of October 31, 2005 Amending and Supplementing a Number of Articles of the Government's Decree No. 105/2004/ND-CP. Viet Nam updates the CTC on following information:

Decree No. 105/2004/ND-CP prescribes audit, cases of compulsory audit and other regulations related to independent auditing activities in order to ensure the truthful, rational and transparent supply of economic and financial information and satisfy the management requirement of State agencies and enterprises.

According to Article 10, the Decree prescribes compulsory audit for:

1. Annual financial statements of following enterprises and organizations must be audited by auditing enterprises:

a) Foreign invested enterprises;

b) Organizations engaged in credit and/or banking activities and the Development Assistance Fund;

c) Financial institutions and insurance business enterprises;

d) Particularly for joint-stock companies and limited liability companies which participate in listing and trading on the securities market, the audit shall be conducted according to the law provisions on securities trading; if they borrow capital from banks, the audit shall be conducted according the law provisions on credit.

2. Annual financial statements of following enterprises and organizations must be audited by auditing enterprises according to the provisions of this Decree:

a) State enterprises;

b) Reports on settlement of construction investment capital of group-A projects.

Also, this Decree permits foreign auditing organizations to operate in Viet Nam.

Regarding the questions of the CTC at paragraph 1.9 (on a Suspicious Transaction Reporting Office):

Please refer to Viet Nam's answer to paragraph 1.2. above.

Regarding the questions of the CTC at paragraph 1.10 (on the management of transfer and other banking services):

Viet Nam is collecting information on these fields and shall update the CTC as soon as possible.

Regarding the questions of the CTC at paragraph 1.11 (on the management and inspection of financial activities of social organizations and charity organizations):

In the answer to paragraph 1.2. above, Viet Nam has provided information on the reporting obligation of the social organizations and charity organizations. Besides, under Decree 177/1999/ND-CP promulgating the regulation on organization and operation of the social funds and charity funds:

- These funds must have the Fund Management Boards (nominated from founding members), the fund's Directors and the Fund Control Boards (appointed by the Fund Management Boards);
- The fund's directors are tasked to regularly report on the fund's operation to the Management Boards and the agency competent to decide the fund's establishment (Paragraph 4 of Article 11);
- The Fund Control Boards must be composed of at least 3 members, appointed by the Management Boards, shall operate independently and have following tasks: a) to

inspect and supervise the fund's operation in strict compliance with the Fund Charter and law provisions; b) to report and propose to the Fund Management Boards on the results of the control of the fund's activities and its financial situation (paragraph 3 of Article 12).

Regarding the questions of the CTC at paragraph 1.12 (on the management of firearms, explosives…):

In previous Reports, Viet Nam supplied a list of legal documents relating to this field. In this Report, Viet Nam updates the CTC on information of penalties imposed in this field

- Under the 1999 Penal Code of Viet Nam:

Article 230 - Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating military weapons and/or technical means

1. Those who illegally manufacture, stockpile, transport, use, trade in or appropriate military weapons and/or technical means shall be sentenced to between one and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twelve years of imprisonment:

a) In an organized manner;

b) Objects involved in the offense are in great quantity;

c) Conducting cross-border transport or trading;

d) Causing serious consequences;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between ten years and fifteen years of imprisonment:

a) The objects involved in the offense are in very great quantity;

b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment or life imprisonment:

a) The objects involved in the offense are in particularly great quantity;

b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, to probation or residence ban for one to five years.

Article 232.- Illegally manufacturing, stockpiling, transporting, using, trading or appropriating explosive materials

1. Those who illegally manufacture, stockpile, transport, use, trade in or appropriate explosive materials shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

a) In an organized manner;

b) Objects involved in the offense are in great quantity;

c) Conducting cross-border transportation and/or trading;

d) Causing serious consequences;

e) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) The objects involved in the offense are in very great quantity;

b) Causing very serious consequences.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment or life imprisonment:

a) Objects involved in the offense are in particularly great quantity;

b) Causing particularly serious consequences.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, to probation or residence ban for one to five years.

Article 233.- Illegally manufacturing, stockpiling, transporting, using, trading in or appropriating rudimentary weapons or support devices

1. Those who illegally manufacture, stockpile, transport, use, trade in or appropriate rudimentary weapons or support devices, have already been administratively sanctioned for such acts, or have already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be sentenced to between three months and two years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

a) In an organized manner;

b) Objects involved in the offense are in great quantity;

c) Conducting cross-border transportation and/or trading;

d) Causing serious consequences;

e) Dangerous recidivism.

3. The offenders may also be subject to a fine of between five million dong and fifty million dong, probation or residence ban for one to five years.

Article 234.- Breaching regulations relating to the management of weapons, explosive materials, support devices

1. Those who breach regulations on management of the production, repair, supply, use, maintenance, storage, transport and trading of weapons, explosive materials, support devices, causing the loss of lives or serious damage to the health and/or property of other persons, shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between ten and fifteen years of imprisonment.

4. Committing the offense in cases where particularly serious consequences may actually occur if not warded off in time, the offenders shall be subject to non-custodial reform for up to three years or a prison term of between six months and three years.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 333.- Breaching regulations on the use of military weapons

1. Those who breach regulations on the use of military weapons, causing serious consequences, shall be subject to non-custodial reform for up to three years or to a prison term of between six months and five years.

2. If the offense is committed in battle zones or entails very serious or particularly serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

- Viet Nam has promulgated Decree No. 64/2005/ND-CP[4], providing for acts of administrative violations, the competence and procedures for administrative sanctioning in management of industrial explosives. According to this Decree, violations of regulations on research, testing and manufacture of industrial explosives shall be sanctioned with fines ranging from VND 3.000.000 to VND 50.000.000, depending on specific case.

Besides, with regard to the management of import and export of explosives, toxic substances, the Ministry of Industries has promulgated following documents:

[4] Decree No. 64/2005/ND-CP of May 16, 2005 providing for the sanctioning of administrative violations in management of industrial explosives.

- *For the management of imported and exported chemicals for the period 2001-2005: Circular No. 01/2001/TT-BNC of April 26, 2001 guiding the import and export of chemicals for period 2001-2005.*
- *For the management of presubstances used in industry: Regulation on management of presubstances used in industry, promulgated with Decision No. 134/2003/QD-BCN of August 25, 2003.*
- *For the management of industrial explosives: Circular No. 02/2005/TT-BCN of March 29, 2005 guiding the management of production, trade, supply and use of industrial explosives.*

Regarding the questions of the CTC at paragraph 1.13 (on extradition):

Regarding the investigation of Vietnamese citizens committing a crime abroad: According to paragraph 1 of Article 6 of the 1999 Penal Code, Vietnamese citizens who commit offenses outside the territory of the Socialist Republic of Vietnam may be examined for penal liability in Vietnam, in accordance with the provisions of this Code. Moreover, paragraph 1 of Article 8 of this Code defines crime as follow:

> *"A crime is an act dangerous to the society prescribed in the Penal Code, committed intentionally or unintentionally by a person having the penal liability capacity, infringing upon the independence, sovereignty, unity and territorial integrity of the Fatherland, infringing upon the political regime, the economic regime, culture, defense, security, social order and safety, the legitimate rights and interests of organizations, infringing upon the life, health, honor, dignity, freedom, property, as well as other legitimate rights and interests of citizens, and infringing upon other socialist legislation."*

Therefore, one of the prerequisites is that a crime must be an act provided for in the Penal Code of Viet Nam.

Regarding the procedures which could be conducted against Vietnamese citizens committing a terrorist act against other State when they are outside the territory of Viet Nam:

As mentioned above, Vietnamese citizens who commit offenses outside the territory of the Socialist Republic of Vietnam can only be examined for penal liability in Viet Nam under the Penal Code if the offenses are crimes as defined by Article 8 (above).

In such a case that Vietnamese citizens commit terrorist offenses when they are outside Viet Nam's territory, the trial-procedural agencies of Viet Nam (investigating agency, the procuracy, the court) shall, according to provisions of the Criminal Procedure Code, investigate, prosecute and judge the offenders. In such a case that requires legal assistance from foreign trial-procedural agencies, the Vietnamese trial-procedural agencies shall base upon bilateral agreements on mutual legal assistance, extradition; upon multilateral treaties which have provisions for mutual legal assistance and extradition; or upon reciprocal basis to request relevant States to grant legal assistance or extradite the offenders to Viet Nam to examine for penal liability.

The 2003 Criminal Procedure Code has one part (Part 8) on international co-operation in criminal proceedings and extradition. Accordingly, these activities shall be conducted in accordance with agreements to which Viet Nam is a party and in accordance with Vietnamese law. In case Viet Nam has not concluded or acceded to relevant agreements (or treaties), the cooperation shall be carried out on the reciprocal basis, provided that it this is not contrary to Vietnamese law, international law and practices.

Regarding the extradition of an offender to Viet Nam, paragraph 1 of Article 343 of the Criminal Procedure Code provides that the trial-procedural agencies of Viet Nam may "request the foreign authorities with corresponding competence to extradite persons who have committed criminal acts or convicted under the legally valid judgments to the Socialist Republic of Viet Nam for being examined for penal liability or serving their penalties".

Regarding the political offenses: the present Penal Code of Viet Nam has no provision for the so-called "political offenses". Moreover, this concept does not exist in Vietnamese publications or theories on criminal science.

Regarding the questions of the CTC at paragraph 1.14 (on the coordination of ministries in anti-terrorism):

Viet Nam is of the view that the effective combat of terrorism requires a comprehensive approach and depends on the total elimination of the root causes of terrorism. Therefore, the prevention and elimination of terrorism requires the implementation of many measures in different fields (political, economic, security, military, international cooperation).

To date, Viet Nam has not established a specific mechanism for combating terrorism. However, all the ministries, agencies and local governments, based on the provisions of law and their purview of State management, take part in the prevention and combat of terrorism and are subject to the direction of the Prime Minister in this regard. In each legal document promulgated by the Government, there are provisions for the coordination between ministries and agencies on relevant matters. The case of analyzing the reports of suspicious transactions of the AMLIC (mentioned above) and its coordination with the investigating agencies is a typical example of anti-terrorism coordination.

Beside Article 84 (and some other relevant articles) of the Penal Code, it can be said that Viet Nam is yet to have a specific law on anti-terrorism or the financing of terrorism. The punishment of terrorist acts shall be based on the Penal Code and some relevant laws (such as the Criminal Procedure Code, the Law on National Security...) Therefore, the role of the Ministry of Public Security is very important, especially in border control to ensure border safety and security. Other ministries shall coordinate with the Ministry of Public Security within their own responsibility.

Regarding the questions of the CTC at paragraph 1.15 (on cooperation between the Ministry of Public Security and international police offices):

The Ministry of Public Security of Viet Nam has established contacts and mechanisms for mutual assistance, exchange of information with international and regional police organizations, such as Interpol, ASEANPOL, EUROPOL... The Ministry of Public Security of Viet Nam regularly exchanges information with these institutions. Viet Nam is collecting information on these fields and shall update the CTC as soon as possible.

Regarding the questions of the CTC at paragraphs 1.16 and 1.17 (on security of travel documents and border control):

As mentioned in Viet Nam's first and third reports, the Penal Code provides that the falsification of documents and seals constitutes a crime (the articles 266, 267, 268). The punishment for this crime is 1 to 7 years of imprisonment and a fine (depending on each specific case).

Besides, Viet Nam has promulgated the Decree No. 32/2005/ND-CP[5], stipulating the regulations on land border gates, the entry into, exit from and transit via the country, the import and export through the border gates of people, goods and facilities, in order to manage the border gates, protect national security and sovereignty. This Decree prohibits the usage of falsified passports, documents; the organization, instruction or transportation of illegal immigrants; the smuggling, illegal transportation or usage of money, goods, arms, explosives, flammable, radioactive or toxic substances... at the border gates (Article 15).

Regarding the questions of the CTC at paragraph 1.18 (on the accession to the international anti-terrorism instruments):

To date, Viet Nam has ratified and acceded to 8 out of 13 international conventions against terrorism. Besides, Viet Nam is considering the possibility of acceding to the 5 remaining conventions. The competent agencies are finalizing procedures of recommending the Government to approve the accession to the International Convention against Taking Hostages and the International Convention on Suppression of Terrorist Bombing.

Viet Nam has promulgated the Law on Conclusion, Accession and Implementation of International Treaties[6]. This Law reaffirms the seriousness of Viet Nam and provides for the implementation of treaties to which Viet Nam is a party.

Regarding the implementation of treaties, this Law provides that, on the basis of the requirement, contents and nature of the treaties, the competent authorities[7], in making decision to accept to be bound by the treaties, shall at the same time make decision on direct

[5] Decree of the Government of March 14, 2005 on the regulations on land border gates.
[6] This Law was adopted by the National Assembly on June 4, 2005 and entered into force from January 01, 2006.
[7] The National Assembly, the State President, the Government.

application of such treaties, in whole or in part, in case the provisions of the treaties are adequately detailed and clear for their implementation. Otherwise, these competent authorities shall make decision or proposal for amendment, supplement, repeal or promulgation of legal normative documents for the implementation of such treaties. (Paragraph 3 of Article 6).

It can be said that, to a certain extent, the above-mentioned provision is a development of Vietnamese law on the incorporation of international treaties into domestic law. This provision ensures the practical implementation of treaties to which Viet Nam is a party, including international conventions and protocols on anti-terrorism.

Moreover, this provision is not only applied to treaties which are concluded after the effective date of the Law, but also to those concluded previously. Under this Law, within a year from the effective date of the Law, taking into account the implementation of treaties, the agencies which assumed the prime responsibility of concluding of the treaties shall make recommendations on direct application, in whole or in part, of the treaties (concluded prior to the effective date of the Law) to the competent authorities for consideration and decision. (Article 106).

Regarding the questions of the CTC at paragraph 1.19 (on other efforts of Viet Nam in anti-terrorism):

Together with the enhancement of legal framework on anti-terrorism, the relevant agencies of Viet Nam have carried out specific activities to combat terrorism, such as the Model Operation of Anti-terrorism effected at the Tan Son Nhat International Airport, Ho Chi Minh City, on October 29, 2005. In this Model Operation, the Directing Board on Anti-terrorism (under the Minister of Public Security), in coordination with the Ministry of Transportation, the Southern Airport, relevant agencies of the Ministry of Defense... practiced activities, such as rescue, disarm mines and explosives...

Relating the combat of terrorism in transportation field, Viet Nam has fully implemented provisions of the International Ports and Ships Security Code (ISPS Code). Viet Nam sent delegation to the Conference on the Amendment of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 1988) and Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (in October 2005).

Regarding the international cooperation in anti-terrorism, Viet Nam has been taking part in elaborating and implementing Declarations, Action Plans against terrorism within the framework of international organizations and fora, namely:

- Within the Asia – Europe Meeting (ASEM): Viet Nam has taken part in every anti-terrorism effort of ASEM, manifested through the Chairman's Statement of ASEM V (Ha Noi, October 2004) and the participation of Viet Nam in ASEM conferences on anti-terrorism (the

most recent is the 3rd ASEM Conference on Anti-terrorism, held in Semarang, Indonesia in November 2005).

- Within the framework of the Association of Southeast Asia Nations (ASEAN): As a member of ASEAN, Viet Nam has actively contributed to the anti-terrorism efforts of ASEAN[8] as well as between ASEAN and its counterparts, manifested through joint declarations on anti-terrorism between ASEAN and the USA, EU, Japan, Republic of Korea, Russia, India... ASEAN is now in the process of elaborating its Convention on Anti-terrorism. At the East Asia Summit (December 2005), Viet Nam and other countries discussed many international issues among which anti-terrorism is an important one.

- Within the Asia – Pacific Economic Co-operation Forum (APEC): Viet Nam worked out "Counter-Terrorism Action Plan" (CTAP) and sent to the APEC Secretariat. The Plan contains a list of measures which are being carried out in order to realize the Declaration of APEC Leaders on anti-terrorism and to identify the need for anti-terrorism capacity building of Viet Nam. In 2006, Viet Nam shall organize APEC Summit. In this Summit, concrete initiatives to combat terrorism such as export control, security of travel documents... shall be discussed.

- Within the regional process of anti-terrorism (the Bali process): Viet Nam has taken part in and has contributed to this process, namely: attended 2 workshop on international legal cooperation against terrorism (held in Thailand in January and June 2005) and the Regional Counter-terrorism Training Workshop on Practical Aspects of International Cooperation" (held in Indonesia in December 2005).

- Viet Nam sent delegation to the 2nd Conference of Member States of the Convention on the Transnational Organized Crimes (held in Vienna, Austria in October 2005). Anti-terrorism is one topic of this Conference.

- Viet Nam sent delegation to the Seminar on Promotion of the Accession to the International Counter-Terrorism Conventions and Protocols (held in Japan in January 2006).

- Viet Nam takes part in the Radio Threat Reduction Program (RTR) which was initiated by the USA in order to enhance the management of use of high risk radioactive sources, prevent their illegal use including terrorist activities.

- Viet Nam cooperates with IAEA and other countries in ensuring the safety of nuclear materials and facilities, fully implements the Safeguards Agreement.

- Viet Nam is considering the possibility and has planned to accede to the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. Simultaneously, Viet Nam has plan for the approval of the Initiative on Securing and Managing Radioactive Sources. These

[8] See more at http://www.aseansec.org/14396.htm.

are international agreements directly relating to the security of dangerous radioactive resources and make direct contribution to the fight against terrorism.

- Viet Nam has participated in the Project of Security of Radioactive Sources, initiated by the Australian National Science and Technology Organization (ANSTO). The main target of this Project is for the insurance of the security of radioactive sources and counter terrorism.

- Viet Nam is considering the accession to some international instruments relating to nuclear such as the Additional Protocol to Nuclear Safeguard Agreements (between IAEA and member states), the Convention on the Physical Protection of Nuclear Material, Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

Moreover, Viet Nam regularly cooperates with international organizations and fora, such as Interpol, Aseanpol, UNODC, ICAO, APEC, ARF... and Viet Nam is active in information exchange with other countries (including the USA, the United Kingdom, Japan, Republic of Korea...) through which we obtained useful information and documents relating to terrorist groups or groups suspected to involve in terrorist activities.

2. ASSISTANCE AND GUIDANCE

Viet Nam highly appreciates the assistance from donor states and international organizations in enhancing the anti-terrorism capacity. Viet Nam is consent to the proposal raised in paragraph 2.4 of the Note No. S/AC.40/2005/MS/OC.503.

Viet Nam has the need for technical assistance and training with regard to the AMLIC on specific skills, namely: analysis of financial transactions and detection of suspicious transactions.

The relevant agencies of Viet Nam will directly contact with agencies assigned by the CTC on the above-mentioned issues.